

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CR. WRIT PETITION NO. 5036 OF 2024

Shridhar Prakash Wagharalkar And Ors. ... Petitioners

Versus

The State Of Maharashtra And Anr. ... Respondents

*Mr. Susmit S. Phatale (Through V.C.) a/w. Mr. Somnath Kale, Ms. Sharvari Tipugade
& Mr. Girish Mujumdar for the Petitioners.
Mrs. Priyanka S. Rane, A.P.P for the Respondent No.1-State.
Mr. Rishikesh A. Mohite for the Respondent No.2.*

Coram : RANJITSINHA RAJA BHONSALE, J.

Date : 7th May 2026.

PER COURT :

1. Leave to amend to annex copy of the Chargesheet and to make consequential changes is granted. Amendment to be carried out forthwith.
2. By the present Petition filed under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, the Petitioners seek to quash and set aside F.I.R. bearing CR No. 430 of 2024, dated 7th August 2024, registered with Gadhinglaj Police Station, for the offences punishable under Section 498A read with 34 of the Indian Penal Code, 1860, which has culminated into R.C.C. No. 62 of 2025 and is pending before the Judicial Magistrate First Class at Gadhinglaj.

3. Learned Advocate for the Petitioners would submit that, during the pendency of the Petition, the parties have settled their disputes amicably with the help and assistance of relatives and friends. That, the Respondent No.2 and the Petitioner No.1 have filed a Marriage Petition for divorce by mutual consent bearing Marriage Petition No. 42 of 2026. That, by an order dated 2nd May 2026, the Civil Judge Senior Division, Gadhinglaj has allowed the said Petition for divorce by mutual consent, thereby the marriage of the Respondent No.2 and the Petitioner No.1 has been dissolved. As mutually agreed, an amount of Rs.10,00,000/- has been paid to the Respondent No.2.

4. Learned Advocate for the Respondent No.2 submits that the parties i.e. Respondent No. 2 and the Petitioners have settled their disputes amicably. He submits that a Consent Affidavit dated 7th May 2026 duly notarized before the Notary Public has been filed by Respondent No.2, whereby the Respondent No.2 has given her consent for quashing of the crime in question.

5. Respondent No. 2 is present in Court and reiterates the contents of the Consent Affidavit. Learned Advocate for the Respondent No. 2 identified the Respondent No. 2 and has tendered a copy of the Aadhar Card of Respondent No. 2. The same is taken on record and marked as 'X' for identification.

6. Perusal of the consent affidavit indicates that, the Respondent No.2 and the Petitioners have settled their dispute. That, the Petition for divorce by mutual consent bearing Marriage Petition No. 42 of 2026 was filed and an

amount of Rs.10,00,000/- has been paid by the Petitioners to the Respondent No.2. The Respondent No.2 in para No.4 of the said affidavit has given her 'no objection' for quashing of the F.I.R. bearing C.R. No. 430 of 2024 registered with Gadhinglaj Police Station along with the proceedings bearing R.C.C. No. 62 of 2025 pending before the Judicial Magistrate First Class at Gadhinglaj.

7. The scope of the High Court's inherent powers under Section 482 of the Code of Criminal Procedure has been comprehensively elucidated by the Hon'ble Supreme Court in *Narinder Singh v. State of Punjab (2014) 6 SCC 466*. The Court has categorically held that the power to quash criminal proceedings under Section 482 is distinct from the power of compounding offences under Section 320 of the Code. It has further been recognized that even in cases involving non-compoundable offences, the High Court may exercise its inherent jurisdiction to quash proceedings where the parties have amicably settled their disputes. In the context of matrimonial disputes, which predominantly arise out of personal differences and discord between spouses, the Supreme Court has consistently emphasized that such matters possess a private and personal character. Where the parties have resolved their differences, either by reconciliation or by mutually agreeing to part ways, continuation of criminal proceedings would serve no fruitful purpose and may, in fact, impede the prospects of peace and rehabilitation. Although this

inherent power is not to be exercised in cases involving heinous offences or crimes having a serious impact on society, matrimonial disputes stand on a different footing, being essentially private in nature. Therefore, when the parties have voluntarily and amicably settled their disputes and have expressed their intention to move forward peacefully, the High Court would be justified in quashing the proceedings. In the present case, considering that the dispute arises out of matrimonial discord and the parties have arrived at a genuine settlement to resolve all their differences, the continuation of criminal proceedings would amount to an abuse of the process of law. Accordingly, to secure the ends of justice and to promote harmony between the parties, this Hon'ble Court deems it appropriate to accept the settlement and quash the FIR and all consequential proceedings.

8. Considering the above facts and circumstances, more particularly detailed in Affidavit filed by the Respondent No.2, I am inclined to quash the F.I.R. bearing CR No. 430 of 2024, dated 7th August 2024, registered with Gadhinglaj Police Station, so also the proceedings bearing R.C.C. No. 62 of 2025, pending before the Judicial Magistrate First Class at Gadhinglaj.

9. In view thereof, the Petition is allowed in terms of amended prayer clause (a).

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[RANJITSINHA RAJA BHONSALE, J.]